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GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
TASHILING, GANGTOK-737101

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NOTIFICATION

The draft of the Sikkim Mahatma Gandhi National Rural Employment Guarantee (Compensation for Delayed Payment of Wage) Rules, 2024 which the Government of Sikkim proposes to make in exercise of powers conferred by sub-section (i) of section 32 of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005) is hereby published as required by sub-section (1) of that section of the said Act for the information of all persons likely to be affected thereby and notice given that the said draft will be taken into consideration after a period of 45 (forty five) days from the date of its publication in the Official Gazette.

Any objections or suggestions which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections and suggestions may be addressed to the Principal Secretary, Rural Development Department, Government of Sikkim.

DRAFT RULES

CHAPTER 1

PRELIMINARY

- | | | |
|---|-----------|---|
| Short title,
extent,
application and
commencement. - | 1. | (1) These rules may be called Sikkim Mahatma Gandhi National Rural Employment Guarantee (Compensation for Delayed Payment of Wage) Rules, 2024.
(2) They shall extend to all the rural areas of Sikkim.
(3) They shall come into force from the date of their publication in the Official Gazette, |
| Definitions - | 2. | (1) In these rules, unless the context otherwise requires;
(a) "Act" means, Mahatma Gandhi National Rural Employment Guarantee Act, 2005; |

- (b) **"Compensation for delayed payment of wage"** means, the payment under Schedule II, Para 29 of MGNREG Act;
 - (c) **"Department"** means Rural Development Department, Government of Sikkim;
 - (d) **"District Programme Coordinator"** means, Additional District Collector (Development) of the district;
 - (e) **"Fund"** means, MGNREGA State Employment Guarantee Fund Sikkim formed under Section 21 of the Act;
 - (f) **"GRS"** means Gram Rojgar Sahayak;
 - (g) **"MGNREGA Soft"** means, Mahatma Gandhi National Rural Employment Guarantee Act Software controlled by the Ministry of Rural Development, Government of India;
 - (h) **"MIS"** means Management Information System
 - (i) **"Programme Officer"** means designated Programme Officer of the block,
 - (j) **"Rules"** means, Sikkim Mahatma Gandhi (NREGA) Compensation for Delayed Payment of Wage Rules, 2024;
 - (k) **"Section"** means, Section of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (As amended from time to time);
 - (l) **"State Government"** means, Government of Sikkim;
- (2) The words, which have been used in the rules but not defined, the meaning shall remain same as per Mahatma Gandhi National Rural Employment Guarantee Act or directions given by the State Government and Central Government from time to time.

- Eligibility. -**
3. Such workers, who have not been paid wages within 15 (fifteen) days from the date of closure of Muster Roll, shall be eligible to receive delay compensation for wage payment under the Act.
- Calculation of Compensation. -**
4. (i) Workers who are entitled to receive payment within 15 (fifteen) days after closure of Muster Roll, shall be entitled to receive payment of compensation for the delay, at the rate of 0.05% per day of the unpaid wages per day. Any rules for compensation under these rules shall not deprive any workers from applying for compensation under Payment of Wages Act, 1956.
- (ii) The rules shall only apply for Stage I delay on the part of the State Government and any delay on the part of the Bank or at the Public Finance Management System (PFMS) shall not be considered.
- Procedure of action taken on delay in payment of compensation amount. -**
5. From the date on which the compensation is to be paid, the delay in the payment of compensation beyond 15 (fifteen) days shall be paid in the same manner as done for delay in payment of wages.

Verification of Delay Compensation.

6. (1) Every Programme Officer may determine within 15 (fifteen) days from the date of due compensation that the compensation calculated automatically by MGNREGA soft is payable or not. The Programme Officer (PO) shall ensure the settlement of claims of compensation and such claims shall not be allowed to be accumulated without decisions. The District Programme Coordinator (DPC) shall monitor this regularly through Additional District Programme Coordinator (ADPC).
- (2) For the above purpose, the compensation shall be paid by the Programme Officer except under the following circumstances,
- (a) Fund not available at the Payment Authority level;
 - (b) Natural Disaster or Calamities;
- (3) In all cases of rejection, the Programme Officer shall give detailed reasons for rejection in the MGNREGA Soft.

Head for payment of compensation amount and recovery of amount paid.

The payment of compensation for delayed wages shall be paid from the account opened for the purpose after proper examination and after the amount is recovered from responsible officials or personnel.

Accountability Fixation for the delay in payments.

8. To determine the liability for the delay in payment of wages, various process, their timelines and identification of responsible officer or personnel shall be followed according to the table given in the Appendix 'A'. If the wage seeker does not claim the delay in compensation, the same should be paid to him on the basis of MIS entry of MGNREGA Soft.

Automatic Calculation of the amount of Delay Compensation in National Rural Employment Guarantee Act 2005 Soft:

9. The MGNREGA Soft has a provision to automatically calculate the compensation payable to the Mahatma Gandhi National Rural Employment Guarantee Act workers based on the date of closure of Muster Roll and date of generation of pay order for paying wages. In every case the payable compensation shows on www.nregasoft.nic.in portal which is automatically updated on daily basis.
- (a) On the basis of this, the delay wage payment shall be actively processed by the Block.
 - (b) To calculate the delay compensation to Mahatma Gandhi National Rural Employment Guarantee Act wage seekers, the following data on Mahatma Gandhi National Rural Employment Guarantee Act Soft shall be examined;
 - (i) date of payment of wages;
 - (ii) date of closure of Muster Roll;
 - (iii) the duration of delay;
 - (iv) total wage payable;
 - (v) rate of compensation (0.05%).

**Claim for Delay
Compensation
through
application by
workers-**

10. The application submitted by the Job Card Holder or worker for delay in wage payment addressed to the Gram Panchayat shall be provided to the Programme Officer by Gram Rozgar Sahayak within 3 (three) days. The workers may also submit this application in person to Programme Officer. The Additional Programme Coordinator shall present the detailed information including details of the determination of initial liability to the Programme Officer.
- (a) The Additional Programme Coordinator shall conduct an initial inquiry and shall submit the report to the Programme Officer within a period of 3 (three) days of the notice/information on delayed payment
 - (b) The Programme Officer shall verify the facts of the report received from the Additional Programme Coordinator and may accept or reject application related to delay in wage payment within 1 (one) week's time. The Programme Officer shall submit the report to the District Programme Coordinator with his remark, in the case of bank being responsible for the delay.
 - (c) Apart from the above, if the wage seeker does not claim the delay compensation, the same should be paid to him on the basis of Management Information System entry of Mahatma Gandhi National Rural Employment Guarantee Act Soft.
 - (d) In other cases, except Bank and Post Office, the Programme Officer shall take decision to pass the order of acceptance/rejection of payment of wages due to delay. A copy of that order shall be given to the applicant and it shall be displayed in the respective Gram Panchayat/Block Development Officer's Notice Board.

**Payment of
compensation
amount,
responsibility
determination
and recovery.**

11. As per the process mentioned in rule 9, payment of compensation shall be ensured by the Programme Officer for delay in wage payment within the time limit prescribed in Para 29 of Schedule 2 of the Act. In case of delay in payment of wages, the amount of compensation shall be recovered proportionately (which shall be based on the delay caused by that person) from those office personnel, who are responsible for delay in payment.
- (1) It shall be the responsibility of District Programme Coordinator/ Programme Officer to inform all concerned about provisions related to Wage Payment and Delay Compensation.

Appeal.

12. (i) There shall be provisions for the worker/personnel to appeal before District Programme Coordinator against the order issued by the Programme Officer in respect of compensation for delay in wage payment. This appeal may be made within 1 (one) week of the order passed by the Programme Officer. Such appeal shall be disposed of within a period of 15 (fifteen) days after conducting summary enquiry.

Appendix A
Suggestive Time Lines
(See Rule 8)

Sl. No.	Procedure	Responsibility/Duty	Responsible Officer/ Personnel	Time limit	
				Conditions of e-MR	NMMS
1	Last date of Muster roll as per e-Muster	Recommendation of Muster on the basis of Daily attendance and measurements.	Gram Rozgar Sewak	T	T
2	Data entry of attendance into MIS	Providing documents related to Muster Rolls and Measurements.	Gram Rozgar Sewak/Additional Programme Coordinator	T+2	T+1
3	Measurement of the work and recording it in MB/e-MB and entering the same in NREGA Soft	Entry of Muster Roll/ measurement into MIS	Junior Engineer/ Technical Assistant of MGNREGA	T+5	T+3
4	Generation of wage list	Send list of wage for payment of first Signatory	Additional Programme Coordinator	T+6	T+4
5	Generation of FTOs (1st Signatory)	Issuing FTO of list of received wage and send to second signatory	Accountant	T+7	T+5
6	Sanction of FTO for payment (2nd Signatory)	Forwarding for payment, while validating the FTO issued by the first signatory.	Programme Officer/ Block Development Officer	T+8	T+6
1					

(NMMS=National Mobile Monitoring System)

